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Counsel for Maria Hernandez

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIA HERNANDEZ,  
  
Defendant.

No. CR 11-596 LHK

STIPULATION RE CONTINUANCE  
OF STATUS DATE; ~~PROPOSED~~  
ORDER

It is hereby stipulated between the defendant Maria Hernandez, by and through her attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Thomas M. O'Connell, that the status date of February 29, 2012, at 10:00 a.m. be continued to March 7, 2012, at 10:00 a.m. The reason for this continuance is that the defense counsel has requested some additional discovery from the government and needs to see the discovery before deciding how to proceed in the matter. Further, counsel is waiting for the sentencing of co-defendant Adrian Gamino, also set for March 7, 2012, in order to better evaluate case strategy.

Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys for the government and the defense the reasonable time necessary for effective preparation taking into the account the exercise of due diligence. Since defense counsel needs additional time to

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1 receive the requested discovery and discuss case developments with her client, the time period from  
2 February 29, 2012, through March 7, 2012, should be excluded.

3 It is so stipulated.

4 Dated: February 27, 2012

Respectfully submitted,

6  
7 /s/ Vicki H. Young  
VICKI H. YOUNG, ESQ.  
Attorney for Maria Hernandez

9 Dated: February 27, 2012

MELINDA HAAG  
UNITED STATES ATTORNEY

11  
12 /s/ Thomas M. O'Connell  
THOMAS M. O'CONNELL  
Assistant United States Attorney

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[PROPOSED] ORDER

~~PROPOSED~~ ORDER

GOOD CAUSE BEING SHOWN, the status date appearance set for February 29, 2012, is continued to March 7, 2012. This Court finds that the period from February 29, 2012, through and including March 7, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that additional time is needed for defense counsel receive additional discovery and to see whether the co-defendant will be sentenced on March 7, 2012. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(7)(A).

As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny both the attorney for the government and the attorney for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv)

DATED: 2/28/12

  
LUCY H. KOH  
U.S. DISTRICT JUDGE